

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *Laura Barrera
5 Assistant Federal Public Defender
6 Michigan State Bar No. P80957
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 Laura_Barrera@fd.org

*Attorney for Petitioner Joel Cardenas

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Joel Cardenas,

14 Petitioner,

15 v.

16 Dwight Neven, *et al.*,

17 Respondents.

Case No. 3:15-cv-00476-MMD-CLB

**Unopposed Motion for Extension
of Time to File Reply**

(Second request)

18
19 Petitioner Joel Cardenas, by and through counsel, Laura Barrera, Assistant
20 Federal Public Defender, moves this Court for an extension of time of 62 days from
21 August 22, 2023, to and including October 23, 2023, to file the reply to answer to the
22 amended petition.
23
24
25
26
27

ARGUMENT

Petitioner Joel Cardenas filed a first amended petition on March 22, 2019.¹ On July 22, 2019, Respondents moved to dismiss that petition.² Petitioner opposed the motion to dismiss on November 18, 2019.³ On February 13, 2020, this Court granted the motion to dismiss in part, dismissing Ground 6, and denied it in part. In the same order, this Court sua sponte stayed the case in federal court to allow Cardenas to exhaust state court remedies as to grounds 2 and 3.⁴

The case was reopened on April 21, 2022.⁵ Respondents filed a renewed motion to dismiss on August 8, 2022.⁶ Cardenas filed an opposition on August 9, 2022.⁷ This Court denied the renewed motion to dismiss on December 22, 2022, deferring ruling on whether Cardenas can overcome the procedural default of Grounds 2 and 3 until full merits review.⁸ This Court also ordered Respondents to file an answer on the merits to all of Cardenas's claims apart from Ground 6, which was previously dismissed.⁹ Respondents filed their answer on April 24, 2023.¹⁰ The reply to the answer is currently due on August 22, 2023.¹¹ Cardenas respectfully requests an

¹ ECF No. 39.

² ECF No. 43.

³ ECF No. 53.

⁴ ECF No. 56.

⁵ ECF No. 60.

⁶ ECF No. 63.

⁷ ECF No. 68.

⁸ ECF No. 72 at 4-6.

⁹ ECF No. 72 at 6.

¹⁰ ECF No. 78.

¹¹ ECF No. 80.

1 additional 62 days to file the reply. The additional period of time is necessary in order
2 to effectively represent Cardenas. This motion is filed in the interests of justice and
3 not for the purposes of unnecessary delay. This is Cardenas's second request to
4 extend this deadline.

5 The extension is needed due to undersigned counsel's additional case-related
6 obligations since the previous request for an extension was filed, including filing an
7 opposition in *Santiago v. Johnson*, 2:21-cv-00896-APG-NJK on May 25, 2023; a
8 request for a certificate of appealability in *Aberha v. Gittere*, 23-15267 on May 30,
9 2023; an amended petition in *Durr v. Warden*, 2:22-cv-00732-JAD-NJK on June 27,
10 2023; a Ninth Circuit Oral Argument in San Francisco on July 19, 2023 in *Harsh v.*
11 *Lawson*, 21-16719; and filing an amended petition in *Langford v. Baker*, 3:19-cv-
12 00594-MMD-CSD on July 26, 2023. Additionally, counsel has had case-related travel
13 to the Reno area.
14

15 On August 22, 2023, Deputy Attorney General Michael Bongard stated via
16 email that he did not object to the extension, but the lack of objection should not be
17 construed as a waiver of any procedural defenses.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 For the above stated reasons, Petitioner respectfully requests this Court grant
2 an extension of time of 62 days and order the reply to the answer to the amended
3 petition to be filed on or before October 23, 2023.

4 Dated August 22, 2023.

5 Respectfully submitted,

6
7 Rene L. Valladares
8 Federal Public Defender

9 /s/ Laura Barrera
10 Laura Barrera
11 Assistant Federal Public Defender

12 IT IS SO ORDERED:

13
14 

15 UNITED STATES DISTRICT JUDGE

16 DATED: August 23, 2023